

Application No. 09/265,070  
Amendment dated May 16, 2006  
Reply to Final Office Action of March 7, 2006

Docket No. 1232-4519

### REMARKS

Applicants wish to thank the Examiner for the courtesy extended in a telephone interview conducted on April 17, 2006 with the undersigned. Applicants respectfully request reconsideration of this application in view of the following remarks.

#### Status of the Claims

Claims 1-21, 26, 31-35, 40, 45-49, 54 and 59-71 are currently pending. Claims 1-16 and 60-68 are withdrawn from consideration. Among the remaining claims, claims 17, 31 and 45 are independent. All of the remaining claims (i.e., claims 17-21, 26, 31-35, 40, 45-49, 54, 59 and 69-71) stand rejected. No new matter has been added by this Amendment.

#### Rejection under 35 U.S.C. §103

Claims 17-21, 26, 31-35, 40, 45-49 and 54 have been repeatedly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,179 to Katayama et al. ("Katayama") in view of JP Patent No. 01096639A to Tenmyo ("Tenmyo").

The Examiner cites a portion of the English translation of the Tenmyo reference (i.e., the last paragraph of page 4 that extends to the first paragraph of page 5) that describes:

Next, when the panoramic shot mode is selected, and multiple shots are set by field angle/image quantity setting device 21, after an aperture setting and a shutter speed are set by auto exposure controller 18 according to photometric signal S1 as a result of the first stroke of the operations of shutter release switch 14, the auto focus control operation (AF) is carried out by auto focus controller 16 so as to drive the lens and lock the focus to lock the zooming, and the first shot is taken as the shutter is released. Upon confirming the completion of said pickup operations, the film is wound automatically by pickup motor 13, [the camera] is rotated by a prescribed angle by electric camera platform driver 23 on electric camera platform's 2 side which is interlocked with the panoramic shot mode, and the shutter is released again. At this time, the photo taking is carried out while the focus locking and zoom locking used during the aforementioned first shot are maintained. During the second shot and thereafter, said operations are repeated in sequence, the panoramic shot mode is finished at the point at which the number of

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shots initially set is reached, and the focus locking and the zoom locking are released. (Emphasis Added)

Specifically, the Examiner asserts that:

Tenmyo does not simply complete a series of panoramic images without changing the zoom settings. Instead, when user presses the shutter at first stroke, an auto focus operation is carried out so as to drive the lens and the first shot is taken by pressing the shutter again. Thus by pressing the shutter button a user is given a selection option whether or not to continue an image sensing operation when the optical system condition change instruction unit outputs the signal to change the optical system condition."

However, as Applicants explained in the April 17, 2006 telephone interview and indicated as underline in the above cited portion of the English translation of Tenmyo, the focus and zoom lockings in Tenmyo are simply maintained throughout the panoramic shot mode (i.e. until the completion of the shots initially set) once they are set after the first stroke (S1), i.e., they are not configured to change upon the request by a user during the panoramic image taking mode.

In contrast, one of the aspects of the present invention as featured in the pending claims is directed to an image processing apparatus in which a user is given an opportunity to select whether or not to continue an image processing operation at a specific situation, i.e., when the user attempts to change the optical system condition of the image processing apparatus. For example, claim 17 recites, *inter alia*, "a selecting unit configured to make the user selects whether or not to continue an image sensing operation while the user takes the plurality of consecutive images when said optical system condition change instruction unit outputs the signal to change the optical system condition." Other independent claims (i.e., claims 31 and 45) also recite similar features to claim 17 as discussed herein. Applicants believe that at least a portion of the original specification (e.g., page 146, line 13 through page 147, line 4) explains and supports this aspect of the invention.

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During the April 17, 2006 telephone interview, the Examiner agreed with Applicants' view that Tenmyo fails to show or suggest the invention as discussed above, while he also indicated that he may need further consideration on this issue.

Accordingly, each of independent claims 17, 31 and 45 is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Katayama and Tenmyo), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 17, 31 and 45 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that this application as amended is in condition for allowance and such action is respectfully requested.

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**AUTHORIZATION**

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4519).

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: May 16, 2006

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